

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 28, 2021

SEAN F. McAVOY, CLERK

U.S.A. vs. Orozco-Alvarez, Catalina Docket No. 0980 1:19CR02046-SAB-1

Petition for No Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Catalina Orozco-Alvarez, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 26th day of October 2020, under the following conditions:

Standard Condition #9: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Special Condition #7: Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing which is required as a condition of release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Catalina Orozco-Alvarez is alleged being in violation of pretrial release by consuming a controlled substance, methamphetamine, between October 14 and 15, 2021.

Violation #2: Catalina Orozco-Alvarez is alleged to be in violation of pretrial release by obstructing or attempting to obstruct the efficiency and accuracy of drug testing on October 14, 2021.

On October 27, 2020, the conditions of pretrial release supervision were reviewed and signed by Ms. Orozco-Alvarez. She acknowledged an understanding of her conditions, which included standard condition number 9, and special condition number 7, as noted above.

The below information is combined for clarity and brevity relating to the two above-noted violations and the events that occurred.

On October 14, 2021, at 10:30 a.m., after being unable to make physical contact with Ms. Orozco-Alvarez at her listed residence the day prior, Ms. Orozco-Alvarez reported to the probation office. She was directed to submit to a urine sample. Ms. Orozco-Alvarez and this officer went into the restroom three times between 10:30 a.m. and 11:45 a.m. in an attempt to collect a urine sample. At the time, this officer believed Ms. Orozco-Alvarez had a urine defeating device on her person as she was unable to produce a urine sample that was of a sufficient level for testing. Ms. Orozco-Alvarez was providing very small droplets of a substance which appeared milky white in color. At approximately 11 a.m., Ms. Orozco-Alvarez submitted a urine sample which was far below the required amount needed to send to the laboratory for testing and for the temperature strip on the urine testing cup to detect a temperature; however, the cup was able to read the amount provided, which tested presumptive positive for methamphetamine. This officer directed Ms. Orozco-Alvarez to drink some water and another sample would be collected in order to collect enough urine to be sent to the laboratory for confirmation and one that will also provide an accurate temperature reading. Ms. Orozco-Alvarez notified this officer approximately 10 minutes later she was ready to provide a urine sample which would meet the testing requirement. This officer accompanied Ms. Orozco-Alvarez into the restroom and prior to submitting the urine sample, Ms. Orozco-Alvarez looked down at her pants and stated, "what is this?" Ms. Orozco-Alvarez was wearing blue jeans and both the front and back of her blue jeans from the hip area

Re: Orozco-Alvarez, Catalina
October 27, 2021
Page 2

to the middle of her thighs was wet. This officer asked Ms. Orozco-Alvarez if she had a urine defeating device on her person and again she denied. Ms. Orozco-Alvarez was directed to go home and return to the office by 12:45 p.m. to submit to a drug test.

On this same date, Ms. Orozco-Alvarez reported back to the probation office at 2 p.m. This officer again accompanied Ms. Orozco-Alvarez into the restroom to collect a urine sample. After approximately 25 minutes, Ms. Orozco-Alvarez submitted a urine sample that was cold to the touch. The temperature gauge on the cup was unable to detect a temperature and the sample was as clear as water. This officer had Deputy Chief United States Probation Officer (DCUSPO) Vargas meet with this officer and Ms. Orozco-Alvarez to discuss and compare the two urine samples. Ms. Orozco-Alvarez stated she had not been consuming drugs and she did not have a urine defeating device on her person. DCUSPO Vargas advised Ms. Orozco-Alvarez she would need to remain in the office and submit another urine sample. Ms. Orozco-Alvarez advised she did not want to submit to another drug test and we "could just say she has been using." Ms. Orozco-Alvarez shared she felt like she was "falling" and requested to go to inpatient treatment. This officer directed Ms. Orozco-Alvarez to contact her chemical dependency treatment provider at Merit Resource Services (Merit) and share what occurred at the probation office. This officer then directed Ms. Orozco-Alvarez to call her daily and report back to the probation office on October 20, 2021.

On October 15, 2021, Ms. Orozco-Alvarez contacted this officer via telephone and confirmed she had spoken with her counselor at Merit. She stated her counselor would secure her an inpatient treatment bed date by the following week. Ms. Orozco-Alvarez stated she contacted her Alcoholics Anonymous/Narcotics Anonymous (AA/NA) sponsor for support and shared she would be attending her treatment groups at Merit until her inpatient treatment bed date. On this same date, Ms. Orozco-Alvarez's color was called via the Merit random color line testing program. Ms. Orozco-Alvarez submitted to a random drug test. This officer was contacted via email from Merit advising her urine sample tested presumptive positive for methamphetamine. Ms. Orozco-Alvarez sent a text message to this officer admitted she had been using methamphetamine and signed a drug use admission at Merit relating to the drug use.

On October 18, 2021, Ms. Orozco-Alvarez contacted this officer via telephone and shared she had an appointment with her treatment counselor on October 19, 2021, to update her treatment plan for inpatient treatment.

On October 20, 2021, Ms. Orozco-Alvarez met with this officer at the probation office. She admitted to relapsing on methamphetamine and having a urine defeating device on October 14, 2021. She apologized for being dishonest and shared an inpatient treatment bed date had been scheduled for October 26, 2021, at American Behavioral Health Services in Spokane, Washington. This officer made telephone contact with her treatment counselor at Merit and confirmed this information.

On October 26, 2021, this officer confirmed Ms. Orozco-Alvarez arrived at inpatient treatment with a tentative completion date of November 26, 2021.

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: October 27, 2021

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

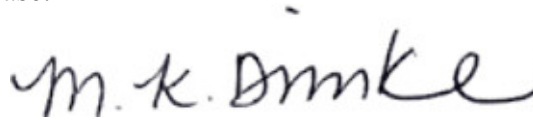

Re: Orozco-Alvarez, Catalina

October 27, 2021

Page 3

THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

10/28/2021

Date